

No. 12946.

IN THE

United States Court of Appeals

FOR THE NINTH CIRCUIT

AMERICAN CRYSTAL SUGAR COMPANY, a corporation,

Appellant,

vs.

MANDEVILLE ISLAND FARMS, INC., a corporation, ROSCOE

C. ZUCKERMAN and G. K. EVANS,

Appellees.

PETITION FOR ATTORNEY FEES ON APPEAL.

WOOD, CRUMP, ROGERS & ARNDT,

STANLEY M. ARNDT and

GUY RICHARDS CRUMP,

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Attorneys for Petitioners and Appellees.

FILED

OCT 6 1951

MUL P. O'BRIEN
CLERK

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PETITION FOR ATTORNEY FEES ON APPEAL.

This petition by plaintiffs (appellees herein) is filed simultaneously with the filing of their brief as appellees.

The Sherman Act provides for attorney fees to a successful plaintiff. The trial court awarded \$25,000 to cover attorney fees “*up to the time of the judgment.*” [Finding 20; R. 267; Supp. to appellees’ brief, p. 46], which, therefore, did not cover attorney fees on this appeal. Attorney fees for this appeal should be awarded by this court. *American Can Co. v. Bruce’s Juices, Inc.*, 190 F. 2d 73, 74; *Laufenberg, Inc. v. Goldblatt Bros., Inc.*, 187 F. 2d 823, 825; *Jerome v. 20th Century-Fox Film Corporation*, 165 F. 2d 784, 785. Until oral argument we will not know

the full extent of the services performed. Therefore, at the time of oral argument (unless this court selects another date) we will present to this court an affidavit setting forth the amount of services that have been performed since judgment was entered and the reasonable value thereof and we will ask this court to make an additional allowance of attorney fees in an amount shown thereby to be fair and reasonable, in accordance with the authorities above set forth and the provisions of the Sherman Act.

Respectfully submitted,

WOOD, CRUMP, ROGERS & ARNDT,

STANLEY M. ARNDT and

GUY RICHARDS CRUMP,

Attorneys for Petitioners and Appellees.